

AO 91 (Rev. 11/82)

CRIMINAL COMPLAINT

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA	
UNITED STATES OF AMERICA v. JOHN RICHARD BRINSON JR.	DOCKET NO.	JUN 12 2017
	MAGISTRATE'S CASE NO.	CENTRAL DISTRICT OF CALIFORNIA DEPUTY 17MJ 01487

Complaint for violation of Title 18, United States Code, Section 2251(a), Production of Child Pornography

NAME OF MAGISTRATE JUDGE HONORABLE ALKA SAGAR	UNITED STATES MAGISTRATE JUDGE	LOCATION Los Angeles, California
DATE OF OFFENSE September 25, 2016, to May 28, 2017	PLACE OF OFFENSE Los Angeles County	ADDRESS OF ACCUSED (IF KNOWN) 5455 N. Marty Avenue, #123, Fresno, California 93711

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

[18 U.S.C. § 2251(a)]

Between on or about September 25, 2016, and May 28, 2017, in Los Angeles County, within the Central District of California, and elsewhere, defendant JOHN RICHARD BRINSON JR. knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2)(A), for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

(See attached affidavit which is incorporated as part of this Complaint)

MATERIAL WITNESSES IN RELATION TO THIS CHARGE: N/A

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT KIMMESIA SAMPSON
	OFFICIAL TITLE Special Agent – HSI

Sworn to before me and subscribed in my presence,

SIGNATURE OF MAGISTRATE JUDGE⁽¹⁾

ALKA SAGAR

DATE

June 12, 2017

⁽¹⁾ See Federal Rules of Criminal Procedure 3 and 54

AFFIDAVIT

I, Kimmesia Sampson, being duly sworn, declare and state as follows:

I. INTRODUCTION

1. I am a Special Agent ("SA") with the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI") in Los Angeles, California, and I have been so employed since March 2010. I am currently assigned to the HSI Los Angeles Child Exploitation Investigations Group ("CEIG"), where I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a) and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review various examples of child pornography in all forms of media, including computer media. I have also participated in the execution of numerous search warrants, many of which involved child exploitation and/or child pornography offenses.

2. Through my training and experience, I have become familiar with the methods used by people who commit offenses involving the sexual exploitation of children. My training and experience has given me an understanding of how people who commit offenses relating to the sexual exploitation of children use the Internet to facilitate and commit those offenses.

3. The facts set forth in this affidavit are based upon my personal observations, evidence obtained through my investigations, my training and experience, and information obtained from HSI Boston, HSI Philadelphia, and HSI Fresno Special Agents and other law enforcement officials. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrants and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

II. PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of:

a. a complaint and arrest warrant charging JOHN RICHARD BRINSON JR. ("BRINSON") with a violation of 18 U.S.C. § 2251(a), production of child pornography, from on or about September 25, 2016, and continuing to on or about May 28, 2017, in Los Angeles County, within the Central District of California, and elsewhere;

b. a complaint and arrest warrant charging MOISES MARTINEZ ("MARTINEZ") with a violation of 18 U.S.C. § 2251(a), production of child pornography, from on or about July 9, 2016, and continuing to on or about May 28, 2017, in Los Angeles County, within the Central District of California, and elsewhere;

III. SUMMARY OF PROBABLE CAUSE

5. HSI Boston and Philadelphia, along with law enforcement abroad, have been investigating an online forum for

trading child pornography since approximately October 2016. Foreign law enforcement recently arrested a suspect abroad (herein referred to as "FS1") who was producing child pornography offered on the forum. FS1 began cooperating with law enforcement and provided information about another individual active on the forum under the user names of "Soole," "Fritters," and "Kronos." Investigators ultimately determined that "Soole" was an individual named Arlan Wesley Harrell ("Harrell") who lives in Los Angeles, California. On May 28, 2017, HSI Los Angeles executed arrest and search warrants at Harrell's residence based on this information. Upon his arrest, Harrell admitted that he was the user "Soole" on the forum.

6. Initial searches of Harrell's digital media revealed a large collection of child pornography. Some of the images match images that "Soole" had previously posted to the forum under his username and appear to be minor relatives of Harrell. Other images, however, appear to have been produced by other users on the forum, including suspects with the usernames "King" and "JohnDoe."¹

A. PROBABLE CAUSE THAT BRINSON AKA "KING" PRODUCED CHILD PORNOGRAPHY

7. Agents recovered a folder entitled "SOOLE_KING" from Harrell's PNY 64 gigabyte thumb drive (Item #12), which contains

¹ Venue is proper to charge production of child pornography based on the images and videos produced by BRINSON and MARTINEZ and recovered in the Central District of California, since these crimes involve interstate commerce and the files were recovered in the Central District of California. Under 18 U.S.C. § 3237(a), a crime involving interstate commerce can be "prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves."

approximately 50 images of two African American children being sexually abused. In one image, two adult males stand over a nude, sleeping child exposing their penises. Neither of the males' faces is visible; however, two cards have been placed next to the child, one with the text, "Soole Private," and the other with the text "King Private 2016."²

8. Based on information obtained from the forum and from Harrell's digital media, agents were able to identify the individual who was posting as "King" on the forum as BRINSON. First, agents noticed that a non-sexually explicit image posted to the forum by "Devinelover" (another moniker used by "King") depicted a minor boy holding a boys' basketball team photo in which agents observe the words "King Elementary School Boys Basketball." Agents then searched Harrell's seized devices for any contacts in the Fresno area and discovered only one phone number. This phone number belongs to Brinson, according to record checks.

9. Additionally, Harrell told law enforcement during proffer sessions that he met with "King" on two occasions and produced child pornography with "King." Harrell provided details about "King," including the fact that "King" drives a Mitsubishi car and that "King" has a lanyard for Fresno State. According to California Department of Motor Vehicles records, BRINSON has a 2002 Mitsubishi vehicle registered to him. And, according to

² I know from discussions with HSI Boston SA Greg Squire that users of the forum typically include name cards in their produced images of child pornography as a way of providing verification and establishing their bona fides as producers of child pornography.

BRINSON's Facebook profile, he graduated from Fresno Pacific University. I also contacted a school resources officer in Fresno and learned that BRINSON worked as a mentor at King Elementary School.

10. Agents also reviewed a video entitled "King_gettingsucked.mp4," which was retrieved from FS1's media devices and which shows an adult black male with a beard orally copulating a pre-pubescent minor boy. SA Diane Asato compared the face of the adult male in the video with Brinson's DMV photograph and observed that they have similar features, including matching facial hair and skin complexion. Accordingly, I believe there is probable cause that BRINSON produced child pornography, in violation of 18 U.S.C. § 2251(a).

B. PROBABLE CAUSE THAT MARTINEZ AKA "JOHNDOE" PRODUCED CHILD PORNOGRAPHY

11. Agents also recovered files from another PNY 64 GB thumb drive seized from Harrell's bedroom (Item #16), which included an image showing a prepubescent minor boy exposing his anus and scrotum. The fingers of an adult can be seen holding what appears to be a torn envelope with "JohnDoe 4 Soole" handwritten on the envelope. The geolocation information associated with this file shows that the photograph was taken at or near 691 West San Carlos Street, San Jose, California 95126 ("MARTINEZ Residence"). According to record checks, including California Department of Motor Vehicle records, MARTINEZ resides at this residence.

12. Forensic analysts were also able to review data from a backup of Harrell's cellular telephone. Based on the backup data, a phone number associated with MARTINEZ contacted Harrell's phone via phone calls, FaceTime, and iMessages from May 2016 to April 2017. The phone number was listed as "Mo" in Harrell's phone directory/contacts.

13. Finally, agents also recovered from Harrell's thumb drive (Item #16) a video of a prepubescent Hispanic boy being anally penetrated by an adult male. This appears to be the same minor boy as that depicted in photographs posted on MARTINEZ's wife's Facebook page of their son. Accordingly, I believe there is probable cause that MARTINEZ produced child pornography, in violation of 18 U.S.C. § 2251(a).

IV. BACKGROUND - DEFINITIONS, AND TRAINING AND EXPERIENCE

14. The following terms, as used in this affidavit, have the following meanings:

a. "Minor," "sexually explicit conduct," "visual depiction," "producing," and "child pornography" are defined as set forth in 18 U.S.C. § 2256.

b. "Child erotica" means materials or items that are sexually arousing to persons who have a sexual interest in minors, but that are not, in and of themselves, legally obscene, or do not necessarily depict minors in sexually explicit conduct.

c. "Computer" is defined pursuant to 18 U.S.C. § 1030(e)(1) as "an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data

storage facility or communications facility directly related to or operating in conjunction with such device."

d. "Computer server" or "server" is a computer that is attached to a dedicated network and serves many users. A web server, for example, is a computer which hosts the data associated with a website. That web server receives requests from a user and delivers information from the server to the user's computer via the Internet. A domain name system ("DNS") server, in essence, is a computer on the Internet that routes communications when a user types a domain name, such as www.cnn.com, into his or her web browser. Essentially, the domain name must be translated into an Internet Protocol address so the computer hosting the website may be located, and the DNS server provides this function.

e. "Internet" is defined as the worldwide network of computers – a noncommercial, self-governing network devoted mostly to communication and research with roughly 500 million users worldwide. The Internet is not an online service and has no real central hub. It is a collection of tens of thousands of computer networks, online services, and single user components. In order to access the Internet, an individual computer user must use an access provider, such as a university, employer, or commercial Internet Service Provider, which operates a host computer with direct access to the Internet.

f. "Internet Service Providers" ("ISPs") are commercial organizations that are in business to provide individuals and businesses access to the Internet. ISPs provide a range of functions for their customers, including access to the

Internet, web hosting, e-mail, remote storage, and co-location of computers and other communications equipment. ISPs can offer a range of options in providing access to the Internet, including telephone based dial-up, broadband based access via digital subscriber line ("DSL") or cable television, dedicated circuits, or satellite based subscription. ISPs typically charge a fee based upon the type of connection and volume of data, called bandwidth, which the connection supports. Many ISPs assign each subscriber an account name (a user name or screen name), an e-mail address, an e-mail mailbox, and a personal password selected by the subscriber. By using a computer equipped with a modem, the subscriber can establish communication with the ISP over a telephone line, through a cable system or via satellite, and can access the Internet by using his or her account name and personal password.

g. "Internet Protocol Address" or "IP address" refers to a unique number used by a computer to access the Internet. IP addresses can be "dynamic," meaning that the ISP assigns a different unique number to a computer every time it accesses the Internet. IP addresses can also be "static," if an ISP assigns a user's computer a particular IP address which is used each time the computer accesses the Internet. IP addresses are also used by computer servers, including web servers, to communicate with other computers.

h. A "website" consists of textual pages of information and associated graphic images. The textual information is stored in a specific format known as Hyper-Text

Mark-up Language ("HTML") and is transmitted from web servers to various web clients via Hyper-Text Transport Protocol ("HTTP").

i. "Hyperlink" refers to an item on a webpage which, when selected, transfers the user directly to another location in a hypertext document or to some other webpage.

V. STATEMENT OF PROBABLE CAUSE

A. BACKGROUND REGARDING NETWORK A AND WEBSITE A

15. In or about October 2016, HSI agents in Boston and Philadelphia became involved in an ongoing child pornography investigation. At the present time, this investigation involves multiple individuals, believed to be residing across the United States as well as abroad, who are members of an Internet-based website³ ("herein referred to as Website A") that operates on an anonymous online network⁴ ("herein referred to as Network A"). I learned the following background information regarding this

³ The actual name of the forum is known to law enforcement. The forum remains active and disclosure of the name of the forum would potentially alert its members to the fact that law enforcement action is being taken against the forum, potentially provoking members to notify other members of law enforcement action, flee, and/or destroy evidence. Accordingly, for purposes of the confidentiality and integrity of the ongoing investigation involved in this matter, specific names and other identifying factors have been replaced with generic terms and the forum will be identified as "Website A."

⁴ The actual name of the network is known to law enforcement. The network remains active and disclosure of the network would potentially alert users to the fact that law enforcement action is being taken against the network, potentially provoking users to notify other users of law enforcement action, flee, and/or destroy evidence. Accordingly, for purposes of the confidentiality and integrity of the ongoing investigation involved in this matter, specific names and other identifying factors have been replaced with generic terms and the network will be identified as "Network A."

investigation from discussions with HSI Boston special agents, as well as the lead case agent in Los Angeles, SA Diane Asato.

16. Website A is a forum on Network A that is dedicated to the sexual exploitation of children from birth to five years old. Website A is run by three unknown individuals that maintain Website A, approve members to become members of Website A, and provide guidance/support to members of Website A. Website A consists of several sections to include: News, Security/Technology, Boys, and Girls. The boy and girl sections are further broken down into age groups, pictures, and videos.

17. In order to become a member of Website A one must apply for membership by creating an account and uploading images/videos of child pornography that are then approved or disapproved by the administrators of Website A. Members that are approved must upload images/videos of child pornography once every 30 days to remain a member of Website A. Once approved members are assigned a "rank" that is based on the amount of participation on Website A, this includes the amount of child pornography they upload/share on the forum.

18. Website A operates on Network A, which is designed specifically to facilitate anonymous communication over the Internet. In order to access Network A, a user must install computer software that is publicly available, either by downloading software to the user's existing web browser, downloading free software available from the Network's administrators, or downloading a publicly-available third-party application. Using Network A prevents someone attempting to

monitor an Internet connection from learning what sites a user visits and prevents the sites the user visits from learning the user's physical location. Because of the way Network A routes communication through other computers, traditional IP identification techniques are not viable.

19. Websites that are accessible only to users within Network A can be set up within Network A, and Website A is one such website. Accordingly, Website A is not accessible through the traditional Internet. Only a user who has installed the appropriate software on the user's computer can access Website A. In order to access Website A, a user either has to know the exact web address or has to discover its exact web address from other servers on Network A that maintain indexes of known websites. Accessing Website A therefore requires numerous affirmative steps by the user, making it extremely unlikely that any user could have simply stumbled upon Website A without first understanding its content and knowing that its primary purpose was to view and distribute child pornography.

20. Network A's software protects users' privacy online by bouncing their communications around a distributed network of relay computers run by volunteers all around the world, thereby masking the users' actual IP addresses, which could otherwise be used to identify a user.

21. Network A also makes it possible for users to hide their locations while offering various kinds of services, such as web publishing, forum/website hosting, or an instant messaging server. Within Network A itself, entire websites can be set up

which operate in the same manner as regular public websites, with one critical exception – the IP address for the web server is hidden and is replaced with a Network-based web address. A user can only reach such sites if the user is using the Network client and operating in Network A. Because neither a user nor law enforcement can identify the actual IP address of the web server, it is not possible to determine through public lookups where the computer that hosts the website is located. Accordingly, it is not possible to obtain data detailing the activities of the users from the website server through public lookups.

B. INVESTIGATION OF SUSPECT USER "SOOLE"

22. On or about May 24, 2017, HSI Los Angeles SA Diane Asato received information from HSI Boston group supervisor Richard Sabatini, and HSI Philadelphia Special Agent Emily Evans regarding an individual utilizing the user names "Soole," "Fritters," and "Kronos," who was seen on Website A, and on Wickr, a chatting application,⁵ discussing the sexual abuse of children.

23. This lead was developed based on information obtained from a cooperating source. Foreign law enforcement recently arrested a suspect abroad (herein referred to as "FS1") who was producing child pornography offered on the forum. FS1 began cooperating with law enforcement and provided information about another individual active on the forum under the user names of "Soole," "Fritters," and "Kronos." FS1 told investigators that he

⁵ Wickr is an application designed to make detection from law enforcement more difficult. In fact, Wickr allows users to set an automatic delete time, so that messages automatically self-destruct/erase.

plays XBOX games with "Soole" and "Soole's" nickname on XBOX is "The War Titan." HSI Boston then obtained a court order for subscriber information for the XBOX Live username "The War Titan" from May 23, 2016, to May 23, 2017. According to Microsoft, the gamer tag "The War Titan" was created on or about September 18, 2007, with a customer name listed as Arlan Harrell at an address in Los Angeles.

24. Upon receiving the lead from HSI Boston, HSI Los Angeles reviewed images and videos of child pornography recovered from FS1's digital devices that investigators believe "Soole" posted to the forum. In an effort to identify the victims, SA Asato compared the children depicted in these images and videos with images found on the publicly available Facebook pages of Harrell's parents. SA Asato was able to determine that a female toddler depicted in the child pornography images associated with "Soole" appeared to be the same minor as that depicted in multiple photographs posted to these Facebook pages.

c. EXECUTION OF SEARCH AND ARREST WARRANTS AT HARRELL'S RESIDENCE

25. Based on the foregoing evidence, on May 27, 2017, HSI agents in Los Angeles obtained a warrant to search Harrell's residence and a warrant for his arrest, see 17-MJ-1326, 17-MJ-1328.

26. During the execution of the search warrant on May 28, 2017, Harrell admitted to using Website A under the user name "Soole." Agents seized approximately 46 items from Harrell's residence, which included electronic media devices, children's

clothing, toys, and placards with the user names "Soole," "The Dread King," and "Fritters," which matched placards used in sexually explicit photos and videos posted to Website A. Harrell was subsequently arrested and charged with production of child pornography, in violation of 18 U.S.C. § 2251(a).

27. On May 31, 2017, and on June 6, 2017, Harrell participated in proffer sessions⁶ with the U.S. Attorney's Office for the Central District of California, and provided the following information to law enforcement:

a. Harrell stated that he would communicate with other producers through the application Wickr.

b. Harrell met with another producer known as "King" on two occasions; once in Bakersfield, California, and once in Las Vegas, Nevada.⁷ Harrell described King as an African American male, with a darker complexion than Harrell, skinny, about the same height as Harrell, weighing more than Harrell, with braids and a tattoo on his forearm. Harrell stated that King's first

⁶ Harrell proffered pursuant to proffer letters with the U.S. Attorney's Office that provided that any statements Harrell made during the proffer sessions would not be offered in evidence in the government's case-in-chief; however, all information derived directly or indirectly from the meetings could be used for the purpose of obtaining and pursuing leads to other evidence, which evidence could be used for any purpose. The proffer letters further set forth that no understandings, promises, agreements and/or conditions had been entered into with respect to any future disposition of the charges pending against Harrell.

⁷ During the first proffer session, Harrell falsely stated that the first meeting with "King" occurred in Arcadia, California. Harrell stated that this was incorrect during the second proffer session and, in fact, the first meeting occurred at a park in Bakersfield. Harrell did not explain why he had misled law enforcement during the first session.

name is James or John and his last name ends in "son" or "ion." Harrell stated that he took his minor nephew from Victorville, California to Las Vegas, Nevada to meet with user "King" in around January 2017.⁸ According to Harrell, "King" brought three minors to Las Vegas: two were "Kings'" children, "Jeramiah" or "Miah," who was approximately 7-9 years old, and "Kaylen or Kaleb," who was approximately 3-4 years old; the third was a Hispanic minor child named "Anthony," who was the child or nephew of another producer identified as "Jester Jacky." Harrell stated that he recognized "Anthony" in some of the videos produced by other members of Website A. King told Harrell that it took him six hours to drive to Las Vegas, and that he had to drive out his way to pick up "Jester Jacky's" child. Harrell stated that he sexually abused both of King's children and King abused Harrell's nephew during this trip. Harrell stated that they also recorded the sexual abuse of these minors with their cellular telephones.

c. Harrell stated that he recalls seeing a Fresno State lanyard hanging out of King's pocket when they met and that King drove a black/gray older model Mitsubishi car.

D. IDENTIFICATION OF USER "KING" AKA "DEVINELOVER" AS BRINSON

28. I learned the following from HSI Boston SA Greg

Squire:

⁸ During the first proffer session, Harrell stated he took this trip in around December 2016 or January 2017. Harrell first told investigators that they stayed at a hotel at the casino "Binion" in Las Vegas. During the second proffer, however, Harrell stated they actually stayed at the Circus Circus hotel in Las Vegas. Inquiries with Circus Circus Casino and Resort have not confirmed that BRINSON ever stayed at this hotel.

a. On or about May 18, 2017, foreign law enforcement discovered an image from FS1's mobile device that was being shared amongst a group of child pornography producers. The image depicts a minor boy approximately 6-8 years old sitting at a desk at what appears to be a classroom. The minor boy is holding a boys' basketball team photo in which agents observe the words "King Elementary School Boys Basketball." Although the image of the minor boy is not explicit, the sender of the image "Devinelover" referred to the minor boy as his "boyfriend" in the group chats on Wickr.

b. I also learned from SA Squire that during an interview with foreign law enforcement, FS1 stated that "King" and "Devinelover" are the same individual.

29. On or about June 9, 2017, during a forensic review of Harrell's mobile messages, SA Pete Manning and SA Squire discovered a phone number with a Fresno area code (559). According to SA Squire, Consolidated Lead Evaluation and Reporting ("CLEAR")⁹ record checks and a Facebook query for that phone number, (559) 547-XXXX, resolved back to John Brinson Jr.

30. On or about June 9, 2017, HSI Los Angeles SA My Bach conducted a check in the California Department of Motor Vehicles ("DMV") for Brinson. According to DMV checks, Brinson's date of birth is listed as June 20, 1993; Brinson's latest address is listed as 5455 N. Marty Avenue, #123, Fresno, California 93711.

⁹ Based on my training and experience, I know that CLEAR is a report generated by Thomson Reuters, which is a company that consolidates public records, including addresses, driver licenses, property deed transfers, and corporate information, as well as some property records.

Brinson is listed as being 6 feet 3 inches tall, weighing 165 pounds, with black hair and brown eyes. Brinson also has a 2002 Mitsubishi vehicle registered to him.

31. On or about June 9, 2017, SA Squire reviewed the Facebook profile for Brinson (user name: MistahJB). According to Brinson's Facebook profile, he attended Fresno Pacific University and listed the Dallas Cowboys and the Dallas Mavericks as one of his favorite sports teams. Additionally, HSI Fresno SA John Kuzma did a Google search for "John Brinson Fresno" and "Fresno Pacific University," and discovered a Fresno Pacific 2014 Men's Track and Field profile for Brinson in which he lists his favorite sports team as the Dallas Cowboys. Furthermore, SA Asato also observed a comment on Brinson's Facebook praising his work at King and Addams Elementary.

32. On or about June 9, 2017, SA Kuzma contacted the school resource officer in Fresno and was advised that Brinson works as a mentor at King Elementary School.

33. SA Squire also reviewed the Facebook friends and relatives of Brinson. SA Squire observed the account for a minor boy with the first name "Miah," who is "friends" with Brinson on Facebook, and who appears to be around eight to ten years old.

34. I also reviewed a video titled "King_gettingsucked.mp4," which was retrieved from FS1's media devices. The video is approximately 30 seconds in length and depicts what appears to be an adult black male with a beard, wearing a white t-shirt, orally copulating a pre-pubescent minor boy, who is wearing red shorts that are pulled down to his mid-

thighs. The boy's face is not visible. Based on SA Asato's review of the male suspect in the video and her review of Brinson's DMV photo, the male suspect also appears to have similar features as Brinson. Specifically, the skin complexion is the same; both have similar facial hair, with patchy hair growth going down to the neck and a mustache; and the lips appear to be the same shape.

35. SA Squire provided SA Asato with a folder, retrieved from Harrell's 64 GB thumb drive (Item #12), entitled "SOOLE_KING." The file folder containing approximately 50 images of what appears to be two different African American children being sexually abused. The following is a description of two of the images:

a. The image titled "IMG_4639.JPG" depicts a prepubescent African American boy wearing a green shirt, who is nude from the waist down with his penis exposed. The minor boy is sleeping on what appears to be a tan colored couch and there are two adult males standing over the child exposing their penises. There are two cards placed on the minor boy's body. A card placed by the knees of the boy has "Soole Private" handwritten in yellow and green. The second card, placed on the stomach of the minor child, has "King Private 2016" handwritten in black block letters. I learned from HSI Computer Forensic ("CFA") Salaam Oladele that the EXIF data¹⁰ for this image indicate a creation date of

¹⁰ Exchangeable image file format ("EXIF data") is a standard that specifies the formats for images, sound, and ancillary tags used by digital cameras (including smartphones),

September 25, 2016. According to CFA Oladele, this means that the image was taken or produced on that date.

b. The image titled "IMG_4653.JPG" depicts a prepubescent African American boy wearing a green shirt, who is nude from the waist down with his penis exposed. There is a blue and white Dallas Cowboys blanket partially covering the minor child. There is a white card with "King Private 2016" handwritten in block letters below the penis of the minor boy. I learned from CFA Oladele that the EXIF data for this image indicate a creation date of September 25, 2016.

E. IDENTIFICATION OF A PRODUCER LOCATED IN SAN JOSE WITH MONIKERS "JOHNDOE," "JD," "JESTER JACKY," AND "DOCHOLIDAYBL"

36. During the proffer session on June 6, 2017, Harrell gave verbal consent for law enforcement to access his Facebook account. While agents were reviewing the account, several messages appeared from "Moses Martinez" on Facebook Messenger.¹¹ Intelligence Research Specialist ("IRS") Nancy Bravo reviewed the Facebook profile for Martinez, <https://www.facebook.com/moises.martinez.7737>, and observed a minor male, who appeared to be approximately six to eight years old in a photo with Martinez. According to his Facebook profile, Martinez has been married to "Jeshypie Martinez" since December 25, 2013.

scanners and other systems handling image and sound files recorded by digital cameras. EXIF data can reveal information about the file, such as the make and model of the camera/phone used to take a photograph or video and the date and time associated with the creation of the file, as well as geolocation information.

¹¹ It appears, though, from Martinez's other records that his actual first name is Moises not Moses.

37. Agents then reviewed "Jeshypie Martinez's" Facebook profile, <https://www.facebook.com/X.x.JESSICA.Camargo.xx>, and observed numerous photos of Martinez, Jessica, and what appear to be their two minor children: a minor boy, who appears to be approximately six to eight years old, and a female toddler, who appears to be approximately two to three years old. Additionally, IRS Bravo learned from her review of Martinez's Facebook profile that his birthday is September 13, 1990.

38. On or about June 9, 2017, SA My Bach conducted record checks on Martinez in CLEAR. According to CLEAR, Martinez has been associated with the address 691 San Carlos Street, San Jose, California 95126 since 2012. Additionally, CLEAR lists three telephone numbers for Martinez, including the number (408) 687-XXXX.

39. On or about June 9, 2017, SA Bach conducted record checks in the California DMV system. According to DMV records, the address listed for Martinez's driver's license is 691 West San Carlos Street, San Jose, California 95126 (the MARTINEZ Residence).

40. On or about June 8, 2017, HSI Computer Forensic "CFA" Salaam Oladele informed me that during his examination of Harrell's PNY 64 gigabyte thumb drive (Item #16), which was seized from Harrell's bedroom, he found numerous images and videos of children being sexually abused. CFA Oladele discovered that approximately four images and one video had EXIF data that

contained geolocation information.¹² The EXIF data for one of the images showed that the image had been created near 691 West San Carlos Street, San Jose, California 95126 (the MARTINEZ Residence). The other remaining images and video had been created near 695 West San Carlos Street, San Jose, California 95126. I have reviewed the four image files and one video file provided to me by CFA Oladele and a description of two of these files follows below:

a. The image file entitled "IMG_3612.JPG" depicts a minor boy, who appears to be approximately six to eight years old, bent over exposing his anus and scrotum. The minor child is wearing white and green underwear, which are pulled down to his thighs. In the photo, the fingers of an adult can be seen holding what appears to be a torn envelope with "JohnDoe 4 Soole" handwritten on the envelope.¹³ I learned from CFA Oladele that the EXIF data for this image indicate a creation date of July 9, 2016.

b. The video file entitled "IMG_3639.MOV" is approximately 33 seconds in length. The video depicts a minor boy on his knees exposing his anus. The video is focused on the minor child's anus, which is seen expanding and constricting exposing

¹² Based on my training and experience, I know that many cameras and most mobile phones have a built-in GPS receiver that stores the location information in the EXIF data when a picture is taken. This geolocation information is not always exact to the address because it is based on longitude and latitude coordinates.

¹³ Based on my knowledge of the investigation and the fact that these images were found on Harrell's digital media, I believe that Martinez, a.k.a. "JohnDoe," was trading child pornography with Harrell, a.k.a. "Soole," either on Website A or Wickr.

the inside of the anus. An adult hand is seen expanding the anus of the child exposing the inside of the child's anus. I learned from CFA Oladele that the EXIF data for this video indicate a creation date of July 13, 2016.

41. I also reviewed another video file recovered from Harrell's PNY 64 gigabyte thumb drive entitled "Fucking Jacky #3.mp4." This video is approximately 23 seconds in length and depicts a nude Hispanic minor boy, who appears to be approximately five to seven years old, on his knees being penetrated anally by an adult male penis. The minor boy appears to be the same minor boy as seen in older photographs posted by Martinez's wife on her Facebook account. Both the video and the photographs on Facebook appear to depict Martinez's son at a younger age. A wooden floor can be seen in the background of the video, which appears similar to the wooden floor seen in the background of the image entitled "00000001.jpg," which is described below.

42. On or about June 9, 2017, SA Squire provided me with a file folder entitled "Johndoe," which SA Squire had obtained during the course of the investigation into Website A, that contained approximately 19 image/video files retrieved from Website A. I reviewed the images and videos in the folder and the following are descriptions of two of the files:

a. The image titled "00000001.jpg" depicts a nude minor boy, who appears to be approximately six to eight years old, orally copulating an adult male penis. A wooden floor is seen in the background of the image. As noted above, this floor appears

to be the same as the floor depicted in the video "Fucking Jacky #3.mp4."

b. The video titled "Cum on Princess.mp4" depicts a Hispanic minor female, who appears to be approximately three to four years old, laying on her back wearing what appears to be a yellow Chewbacca shirt. An adult male's penis is seen ejaculating into the eyes of the minor female. A wooden floor is seen in the background of the video. This also appears to be the same wooden floor depicted in the video "Fucking Jacky #3.mp4."

43. Additionally, I also reviewed the Facebook profiles for Martinez and his wife. On or about December 19, 2015, Martinez's wife posted a photo of herself holding a minor female who appears to be the same minor female as depicted in the video "Cum on Princess.mp4." In the background is a wooden floor that appears to be similar to the wooden floor observed in the video and image described above.

44. Furthermore, I also saw another photo posted by Martinez's wife on or about February 15, 2016, depicting herself and the same minor female wearing the same yellow Chewbacca shirt observed in "Cum on Princess.mp4."

F. MARTINEZ'S PHONE NUMBER AND CHATS FOUND ON HARRELL'S DIGITAL DEVICES

45. On or about June 9, 2017, while conducting a forensic examination of the digital devices seized from Harrell, CFA Oladele discovered that Harrell last backed up his cellular telephone to his computer in April 2017. CFA Oladele found that Wickr was installed on the phone during the backup. Additionally,

CFA Oladele was able to determine from the data associated with the backup of Harrell's phone that the phone number listed for Martinez in the CLEAR report, (408) 687-XXXX, had been in contact with Harrell's phone via phone calls, FaceTime, and iMessages, during the period of May 2016 to April 2017. The phone number for Martinez was listed as "Mo" in Harrell's phone directory/contacts. Based on my knowledge of the investigation, I believe that "Mo" is an abbreviation for Moises, Martinez's first name. CFA Oladele provided me with some of the iMessages between Martinez and Harrell, which are detailed below:

a. On or about June 11, 2016, Harrell wrote to Martinez: "Hey, let's chat on Wickr Messenger. Download the private messenger for free at wickr.com/app. My Wickr Messenger ID is gutsmasher03."

b. On or about September 18, 2016, Harrell sent two iMessage to Martinez: "I forgot my pw so had to make a new one add this name." "Hey, let's chat on Wickr Messenger. Download the private messenger for free at wickr.com/app. My Wickr Messenger ID is soolebh."

c. On or about January 8, 2017, Martinez sent the following messages to Harrell: "Why am I getting messaged here? This is not the place." "What do you mean? Hello, we have an established way of communicating."

G. WICKR CHATS

46. On or about June 9, 2017, I reviewed a Wickr group chat, which included the users "Soolebh" (Harrell's Wickr

username) and "docholidaybl," among others.¹⁴ During this chat, "docholidaybl" stated the following:

"I will lose the name "Johndoe" on BH?"

"It's just sad I will lose jd as my name and lose Jacky as the star name lol"

"Well fuck I was gonna post more Jacky vids, but since this shit has happened"

"I may stick to just not posting anymore on either BV4 or BH of Jacky's vids"

"If everything goes well, I think I will post more Jacky vids under the Jester name on BV4"

"If I feel safe enough I will post under the Jacky name; unless you think that Jacky name is no good anymore for safety? . . . "

47. Based on my experience investigating online child pornography forums, as well as my knowledge of this investigation, I believe that "Jacky," "Jester," "JD," "Johndoe," and "Docholidaybl" are all usernames of Martinez.

H. OTHER INDIVIDUALS RESIDING AT THE MARTINEZ RESIDENCE

48. On June 12, 2017, SA Asato learned from a California sex offender database that a registered sex offender, Fidel Gabriel Martinez (hereinafter referred to as "Fidel"), listed the SUBJECT PREMISES as his residence.

49. On June 12, 2017, HSI Los Angeles group supervisor Kelly Kottas contacted the San Jose Police Department and spoke to Police Data Specialist II (PDS), Jane Nguyen. PDS Nguyen informed GS Kottas that Fidel, a registered sex offender residing at the

¹⁴ I learned from SA Squire that this group chat was provided to HSI Boston by foreign law enforcement. According to SA Squire, foreign law enforcement agents had photographed the Wickr chats that appeared on FS1's cellular telephone.

SUBJECT PREMISES, completed his annual sex offender registration on March 21, 2017. According to PDS Nguyen, Fidel provided a cellular phone number of (408) 515-XXXX and a work phone number of (408) 280-XXXX.

50. On June 12, 2017, HSI SA Scott Beagle spoke with an officer at the Santa Clara County SAFE (Sexual Assault Felony Enforcement) Unit, who informed him that according to their records Fidel had listed the cellular phone number of (408) 515-XXXX as his number of record from September 2013 to the present.

51. Based on my knowledge of the investigation, I do not believe that Fidel is the suspect producing and trading child pornography over Website A and Wickr. First, the phone numbers Fidel provided to the San Jose Police Department and Santa Clara County SAFE Unit do not match the San Jose phone number found in the backup data for Harrell's cell phone, (408) 687-XXXX. Second, the contact listed in Harrell's cell phone directory for this San Jose phone number was "Mo," which I believe likely refers to "Moises," Martinez's first name. Third, the Facebook page for "Moses Martinez" has a profile photograph that depicts the same individual as the DMV photograph for Martinez. As noted above, an individual using the Facebook account for "Moses Martinez" messaged the Facebook account of Harrell repeatedly on or about June 8, 2017. Finally, according to California Sex Offender records, Fidel is approximately 60 years old. (MARTINEZ is 26 years old.) Based on my experience investigating networks such as Network A, which involve the use of sophisticated technology to evade law enforcement, I know it is typical for users of such

platforms to be younger and have a high level of technological fluency. Moreover, I know that both Harrell and BRINSON are young men in their early 20s (Harrell is 23; BRINSON is 24). Given the type of communication and relationship between Harrell and MARTINEZ, it seems probable that MARTINEZ is close in age to Harrell.

VI. CONCLUSION

52. Based on the foregoing, I believe there is probable cause:

a. to find that BRINSON produced child pornography, in violation of 18 U.S.C. § 2251(a), from on or about September 25, 2016, and continuing to on or about May 28, 2017, in Los Angeles County, within the Central District of California, and elsewhere; and

b. to find that MARTINEZ produced child pornography, in violation of 18 U.S.C. § 2251(a), from on or about July 9, 2016, and continuing to on or about May 28, 2017, in Los Angeles County, within the Central District of California, and elsewhere; and.

**VII. CERTIFICATION REGARDING REVIEW OF CHILD PORNOGRAPHY BY
U.S. MAGISTRATE JUDGE**

53. The images and videos described in paragraphs 35(a)-(b), 40(a)-(b), and 42(b) were shown to the Honorable Alka Sagar, U.S. Magistrate Judge, on June 12, 2017, for her review.¹⁵ See United States v. Perkins, No. 15-50035 (9th Cir. Mar. 13, 2017) (warrant applications based on alleged child pornography under the

¹⁵ Screen shots were shown of the video files.

18 U.S.C. § 2256(2)(A)(v) standard – that is, including “the lascivious exhibition of the genitals or pubic area” – should “provide copies of the images for the magistrate’s independent review”). The images were then placed in a sealed envelope, signed by both the affiant and the Honorable Alka Sagar. The envelope containing these images will remain sealed and will be maintained in a secure location at HSI Fresno offices.

Kimmesia Sampson, Special
Agent
Homeland Security
Investigations

Subscribed to and sworn before me
this ____ day of June, 2017.¹⁶

HONORABLE ALKA SAGAR
UNITED STATES MAGISTRATE JUDGE

¹⁶ This signature certifies review of the images described in paragraph 32(b).